

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

The Honorable John H. Chun
The Honorable Michelle L. Peterson



FEB 28 2023

CHRISTOPHER FRICK

Plaintiff,

v.

MARIA DY, et al.,

Defendants.

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY
No. C22-801-JHC-MLP DEPUTY

**MOTION TO STRIKE DEFENDANTS
MOTION AND REQUEST FOR
SANCTIONS.**

COMES NOW, plaintiff Christopher Frick and respectfully asks the court to strike defendants motion and issue sanctions for failing to mail copies of the motion to dismiss as they certified as mailed on February 13, 2023. As of February 27th 2023 plaintiff has not received any mail via U.S Postal service from the U.S Attorneys office as they certified on the 13th of February 2023 . Mr. Frick when talking with his attorneys on the telephone and going over documents filed on his criminal case asked Paula Olson to please pull up his civil docket sheet to see if the documents they were looking for were filed on there, that's when Mr. Frick was informed of the motion to dismiss filed by defendant's attorney Kristin Johnson. Mr. Frick contacted the court clerk and reported to her that he did not receive any motion via the mail. Two days later Mr. Frick did received a docket sheet from the court clerk in which the plaintiff saw the motion and went on pacer to review the filed documents costing plaintiff money to view and print the document.

This is not the first time the government has certified that mail had been sent on a specific date but was not truthful to the Court or plaintiff (see attached document 41 filed on 11/18/2022) in which Mr. Frick reported to the court that the government certified they mailed (document 37) on November 3rd 2022 via Federal express priority overnight . Mr. Frick sent the court the envelope that showed the document

was not postmarked by the post office until November 9th 2022 6 days after it was certified as mailed. At that time Mr. Frick asked the court to remind the government that when they certify a document as mailed on a particular day the document should be mailed that day as court rules state.

Document 59 filed 02/13/2023, Federal defendants motion to dismiss was certified as mailed on February 13, 2023 the date is now February 27th 2023 and Mr. Frick has yet to receive the filed document that is noted for March 10th 2023, via the Postal service. It was only because of the conversation with his lawyer in the criminal matter that resulted in the document in the civil matter being discovered as filed on February 13, 2023 and the conversation with the Court Clerk who sent the docket sheet that Mr. Frick was able to see the motion filed on 2/13/2023 and the noted date. It is mandatory that all copies of motions be served on all parties. Mr. Frick is still awaiting the motion via us mail and if not for pacer he would have never of been aware of the pending filed motion to dismiss. If Mr. Frick does receive the motion via U.S mail he plans to once again make a copy of the postmark to show the court further that the defendants are misleading Mr. Frick and the court when they are certifying they are actually mailing the documents on those dates.

CONCLUSION

Mr. Frick respectfully asks the court to strike the defendant's motion because this is not the first time this same incident has happened and striking the defendants motion is the only way to get the point across to the defendants that documents need to be mailed on the date they are certified as mailed. It is further requested that the court issue any sanctions it sees fit.

Dated this 27th day of February 2023.

____/s/ Christopher Frick____



A handwritten signature, appearing to be 'CF', is written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I mailed the foregoing via first-class Mail, postage paid to the address as follows:

KRISTIN B. JOHNSON, WSBA #28189
Assistance United States Attorney
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Telephone No. (206)553-7970
Fax No. (206)553-4073
E-mail: Kristin.b.johnson@usdoj.gov
Attorney for the Federal Defendants

DATED this 27th day of February 2023.

CHRISTOPHER FRICK
27340 Village PL NW
Stanwood, Wa. 98292


_____/s/_____

TRULINCS 26587086 - FRICK, CHRISTOPHER - Unit: SET-D-B

FROM: 26587086
TO: Frick, Jamie
SUBJECT: deadline motion
DATE: 11/15/2022 11:37:46 AM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER FRICK

Plaintiff,

V.

DR.DY, et al.,

Defendants.

No. C22-801-JHC-MLP

PLAINTIFF DOES NOT OPPOSE
GOVERNMENTS MOTION TO
EXTEND DEADLINE TO FILE A
RESPONSIVE PLEADING

Originally noted for
November 11, 2022



FEB 28 2023

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

COMES NOW Plaintiff Christopher Frick, Pro se and hereby has no objection to the governments request for a deadline extension to file responsive pleadings. Mr. Frick however would like to make the court aware that the CERTIFICATE OF SERVICE (document 37) certifying that the document was mailed on November 3rd is incorrect. Mr Frick has taken the liberty to photocopy the certified envelope he received on November 14th 2022. if this document was certified that it was mailed " by Federal Express Priority Overnight on November 3, 2022" then why is the document not postmarked until November 9, 2022 6 days after the certified date it was supposedly mailed overnight by certified mail tracking number 7019 2970 0000 3387 3856. Mr. Frick would like to think this was not done intentionally. The court is well aware mail in the institution takes time to be delivered so any further unjust delay is prejudicial to Mr. Frick in dealing with time constraints and responses. If this document was noted for November 11th 2022 and Mr. Frick does not receive it until November 14, 2022 how was he able to respond if needed in the allotted time allowed by the court. Mr Frick is not trying to be nit picky however when a document is certified that it was sent then Mr Frick would ask the court to remind the government that it needs to be sent to Mr Frick the date it is certified as sent .

.Dated this 15th day November 2022.

/s/ Christopher Frick
Christopher Frick
Federal Detention Center-SeaTac
P.O. Box 13900
Seattle, WA 98198

TRULINCS 26587086 - FRICK, CHRISTOPHER - Unit: SET-D-B

FROM: 26587086
TO: Frick, Jamie
SUBJECT: Certificate of service
DATE: 11/15/2022 11:51:50 AM

CERTIFICATE OF SERVICE

I hereby certify that I am plaintiff Pro se and I am of such age to be competent to serve papers.

I further certify that I mailed by U.S. Postal Service via FDC SeaTac Legal mail the foregoing document to the following name and addresses as follows:

Nicholas W Brown
United States Attorney
700 Stewart Street, Suite 5220
Seattle, Washington 98101
(206)553-7970

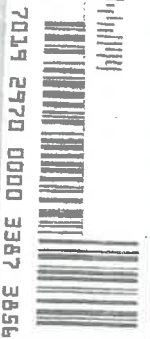
Kristin B. Johnson
Assistant United States Attorney
700 Stewart Street, Suite 5220
Seattle Washington 98101
(206)553-7970

Dated this 15th day of November, 2022.



/s/ Christopher Frick
Christopher Frick 26587-086
Federal Detention Center-SeaTac
P.O Box 13900
Seattle, Washington 98198

U.S. Department of Justice
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 2120
Seattle, Washington 98101-2221
Official Mailbox



Christopher Frick, #26587086
Federal Detention Center - SeaTac
P.O. Box 13900
Seattle, WA 98198

NOV 14 2022

DB
1030



US POSTAGE
ZIP 98101 \$ 005.44
0901131200/NOV 09 2022

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the United States Attorney's Office for the Western District of Washington, and that I am of such age and discretion as to be competent to serve papers;

I further certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

I further certify that I mailed by Federal Express Priority Overnight Mail the foregoing document to the following non-CM/ECF participant(s)/CM/ECF participant(s), addressed as follows:

Christopher Frick, #26587086
Federal Detention Center – SeaTac
P.O. Box 13900
Seattle, WA 98198

DATED this 3rd day of November, 2022.

s/ Joseph A. Fonseca

JOSEPH A. FONSECA, Paralegal Specialist
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
Fax: 206-553-4067
Email: joseph.fonseca@usdoj.gov

SEATTLE WA 980
16 NOV 2022 PM 7 L

MAIL

NOV 18 2022

AT SEATTLE COURT
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY JENITY

Clerk of United States District Court
United States Courthouse
700 Stewart Street, Suite 2310
Seattle, WA 98101

98101-444285

FEDERAL DETENTION CENTER
NAME: Cass, F. O.
REG: 26587-086 UNIT: 122-2
P.O. BOX 13900
SEATTLE, WA. 98198-1090

Legs
11/18/22

FEDERAL DETENTION CENTER
2435 SOUTH 200TH STREET
SEATAC, WA 98198

THE ENCLOSED LETTER WAS PROCESSED THROUGH SPECIAL MAILING
PROCEDURES FOR FORWARDING TO YOU. THE LETTER HAS NEITHER BEEN
OPENED NOR INSPECTED. IF THE WRITER RAISES A QUESTION OR PROBLEM
OVER WHICH THIS FACILITY HAS JURISDICTION, YOU MAY WISH TO RETURN THE
MATERIAL FOR FURTHER INFORMATION OR CLARIFICATION. IF THE WRITER
ENCLOSURES CORRESPONDENCE FOR FORWARDING TO ANOTHER ADDRESSEE,
PLEASE RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.

NOV 18 2022

Chris Frick
27340 Village Pl NW
Stonewood, WA 98292

Clerk, United States District Court
700 Stewart Street, Suite 2310
Seattle, WA 98101

FILED
LODGED
RECEIVED

MAIL

FEB 28 2023

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

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|--|---|---|---|
| P | US POSTAGE PAID IN 02/27/2023 From 98271 0 lbs 3 oz Zone 1 |  | Pliny Bowen CommPrice NO SURCHARGE 028W002910084 3002926440 |
| | USPS PRIORITY MAIL® | | |
| Chris Irlek Chris Irlek 27340 Village Pl NW Stanwood WA 98292-7400 | | Expedited Delivery Date: 02/28/2023 0005 | |
| C028 CLERK, UNITED STATES DISTRICT COURT CLERK, UNITED STATES DISTRICT COURT 700 STEWART STREET, SUITE 2310 SEATTLE WA 98101-4442 | | | |
| USPS TRACKING #  9405 5091 0937 5000 9746 85 | | | |